IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2218 OF 2005

Bharatiya Kamgar Sena — Petitioner
vs.
1. Mumbai Mazdoor Sabha & anr. — Respondents

Mr.M.D.Nagle for the petitioner.

Mr.Mahesh Londe i/b.M/s.Sanjay Udeshi & Co. for the respondent no.1.

Mr.Jai Choksi i/b.M/s.C.R.Naidu & Co. for the respondent no.2.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 26th September, 2006

P.C.

Petitioner by the present petition has challenged the order passed in review whereby the order dated 30th September, 2004 was recalled and the application is directed to be heard and proceeded according to law. It is this order which is the subject matter of the present petition.

2. The learned counsel for the petitioner points out that issue involved is whether there is power of review. We need not go into the issue for two reasons. Firstly, that order dated 30th September, 2004 was without jurisdiction as no Union can be recognised if it does not have 30% of the membership of employees working with

respondent no.2. Secondly, on behalf of respondent no.2., the learned counsel makes a statement that the company has closed down. The order dated 30th September, 2004 discloses total non-application of mind as to the provisions of the Sections 11 to 15 of the MRTU & PULP Act, 1971.

3. Considering the above, we find no cause for interference. Petition stands disposed of accordingly.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)